

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

CONTEMPT CASE No. 542 of 2016

ORDER: (Per VRS,J)

This contempt arises out of an order passed by the Bench on 23.11.2012. The operative portion of the order reads as follows:

*“After hearing the counsel for the parties, we dispose of the writ petition with a direction to the 4th respondent to consider the case of the petitioner for regularization in terms of **Manjula’s** case (supra) within a period of three months from the date of receipt of a certified copy of this order. All other respondents shall also process the case of the petitioner to facilitate consideration of the same by the fourth respondent. It is needless to observe that in case the services of the petitioner are regularized by the fourth respondent, he would be entitled to all the consequential benefits.”*

2. In the counter filed by the respondents, they have stated that the Government issued G.O.Rt.No.519, dated 27.07.2016, for regularization of the services of the petitioner. But, the petitioner is not happy, since the regularization is granted only with effect from 2016 and not with effect from the date of his birth in the Department.

3. But, the operative portion of the order, which we have extracted above, does not mandate positively, a retrospective regularization. Therefore, it is a matter, which has to be agitated separately by the

petitioner. Once an order has been admittedly, at least partially, complied with, a contempt jurisdiction cannot be converted into execution proceedings. Therefore, leaving it open to the petitioner to challenge the non-grant of retrospective regularization, this Contempt Case is closed.

Consequently, miscellaneous applications if any pending in the contempt case shall also stand closed.

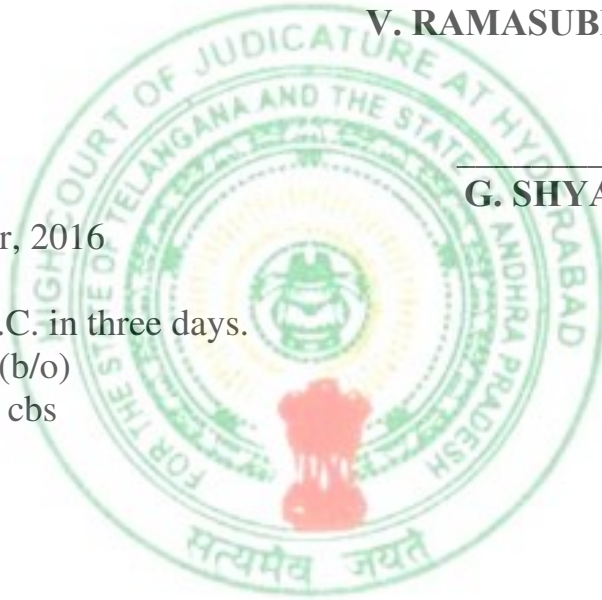
V. RAMASUBRAMANIAN, J

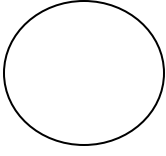
G. SHYAM PRASAD, J

13th December, 2016

Note: Issue C.C. in three days.

(b/o)
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